

Attorney's Docket No. 034423/242418

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abed et al.  
Appl. No.: 10/034,817  
Filed: December 27, 2001  
For: BONDED LAYERED NONWOVEN AND METHOD OF PRODUCING SAME

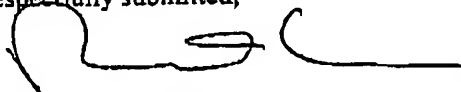
Confirmation No.: 3949  
Group No.: 1771  
Examiner: Elizabeth M. Cole

MAIL STOP 16  
Director of the US Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

1. **REFUND REQUEST:** This is a request for a refund of \$900.00, with respect to the payment of an Extension of Time Fee, for the above-identified patent application.
2. **EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR:** As stated in the attached Decision on Petition mailed July 29, 2005, Applicant did not need to mail the \$900 check for extension of time for this application since a petition to revive was submitted at the same time and since the extension of time was filed after the expiration of the maximum extendable period for reply. *See In re Application of S., 8USPQ2d 1630, 1631 (Comm'r Pats. 1988).*
3. **MANNER OF REFUND:** Please make refund by crediting our Deposit Account No. 16-0605.

Respectfully submitted,

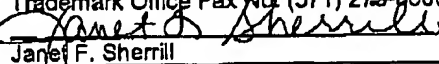


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-6500 on the date shown below.

  
Janet F. Sherrill

August 8, 2005  
Date

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OFFICE OF PETITIONS

In re Application of  
Abed et al.  
Application No. 10/034,817  
Filed: December 27, 2001  
Attorney Docket No. 34423/242418

DECISION  
ON PETITION  
37 CFR 1.137 (b)

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

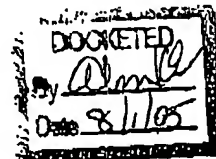
This application became abandoned for failure to properly reply within the meaning of 37 CFR 1.113 and 1.116 to the final office action of September 28, 2004, which set an extendable period for reply of three months. While a reply and a petition and fee for a one month extension of time were filed January 28, 2005, the reply failed to *prima facie* place this application in condition for allowance.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$900.00 extension of time fee submitted with the petition on April 4, 2005 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Stephen Cronin at (571) 272-6051, or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2671 for appropriate action on the concurrently filed Request for Continued Examination and amendment.

*Karen Cready for*  
Brian Hearn  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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**ALSTON & BIRD LLP**

101 South Tryon Street, Suite 4000  
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704-444-1000  
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August 8, 2005

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**Message:****Application No. 10/034,817****REQUEST FOR REFUND****Number of Pages: (including cover page)** **IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .**

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<b>CLIENT/MATTER:</b>	034423/242418	<b>OPERATOR:</b>	

CLTD1/4694457v1

PAGE 1/3 \* RCVD AT 8/8/2005 3:45:00 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-6/34 \* DNS:2736500 \* CSID: \* DURATION (mm:ss):01-04

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PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

1. This is a petition for an extension of time for a total period of three months to respond to the Office Action dated September 28, 2004.
2. Applicant is ☐ a small entity; ☒ other than a small entity.
3. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):

Total Months  
Requested

Three months

Fee for Other Than  
Small Entity

\$900\*\*

\*\*\$1,020.00 - \$120.00 previously paid

*\*Cannot be used to exceed six-month statutory limit for response to an Official Action.*

- ☒ A check in the amount of \$900.00 is enclosed.
- ☒ Charge Deposit Account No. 16-0605 for the extension fee.
- ☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

04/05/2005 RNDNDAF1 00000083 10034817

03 FC:1253

900.00 DP

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on March 31, 2005.

  
Janet F. Sherrill

Repln. Ref: 09/28/2005 SDIRETA1 0011413300  
DAH:160605 Name/Number:10034817  
FC: 9204 \$900.00 CR